

Policy 4.1.2 Asset Forfeiture

POLICY PURPOSE:

The purpose of this policy is to establish guidelines for the expenditure of funds received by the Department of Public Safety through the shared forfeited asset process made possible by the Comprehensive Crime Control Act of 1984.

The Comprehensive Crime Control Act of 1984 provides guidelines for assets seized in drug investigations, once deemed forfeited by the Courts, to be equitably shared with the local agency that participated in the investigation which resulted in the seizure. The amount shared with the local agency is determined based upon the degree of direct participation the agency provided in the investigation.

The Attorney General's guidelines on seized assets include very specific rules for the use of the assets by State and local law enforcement agencies. In a report by then Attorney General Edwin Meese III dated April 1987, the Attorney General stated that "Property will be transferred to State or local agencies only in cases where the tangible property or cash will be credited to the budget of the State or local agency that directly participated in the seizure or forfeiture, resulting in an increase of law enforcement resources for that specific State or local agency."

In addition, the guidelines require that shared assets be used as stated in the application for transfer of Federal forfeited property which requires specific intended law enforcement uses when application is made for the assets in question. When any deviation to these intended law enforcement uses is contemplated from the original application, it is required that a written request to the transferring agency, "Federal or State," be made outlining the specific changes in the use of assets contemplated by the applying agency.

POLICY STATEMENT:

It is the policy of the City that the following guidelines shall apply when considering appropriation of funds obtained from shared forfeited assets:

1. All cash be invested and maintained in an identifiable fund so that interest derived may be readily identified and principal and interest maintained for law enforcement purposes pursuant to Federal Guidelines.
2. Appropriations shall be subject to the annual budget process.

(Adopted: RTC 90-217 (5/1/1990), Amended as part of Policy Update Project (7/2005))

Lead Department: Department of Public Safety